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Customer Number



Patent
Case No.: 56964US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: SIMMONS, RICHARD L.

Application No.: 09/927663

Group Art Unit: 2839

Filed: August 10, 2001

Examiner: Prasad, Chandrika

Title: THREE DIMENSIONAL OPTICAL CIRCUITS

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:	
Feb. 5, 2004	
Date	Signed by: James J. Trusell

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (referred to as the "Subject Application") by virtue of an assignment recorded at Reel 012563, Frame 0102, on January 25, 2002.

Petitioner further represents that it is the exclusive owner of the entire interest in Co-pending Application Serial No 10/161,800, (referred to as the "Co-pending Application"), by virtue of an assignment recorded at Reel 012563, Frame 0102, on January 25, 2002.

Petitioner disclaims the terminal part of any patent granted on the Subject Application (referred to as a "Subject Patent") which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as presently shortened by any terminal disclaimer, of any patent granted on the Co-pending Application. Petitioner hereby agrees that the Subject Patent shall be enforceable only for and during such period that the legal title to the Subject Patent and any patent granted on the Co-pending Application are commonly owned. This agreement is to run with the Subject Patent and to be binding upon the grantee, its successors, or assigns.

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In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of any patent granted on the Co-pending Application, as presently shortened by any terminal disclaimer, in the event such patent granted on the Co-pending Application later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Documents establishing the chain of title of the Subject Application and of the Co-pending Application (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Please charge the fee provided in 37 CFR § 1.20(d) and, if necessary, charge any additional fees or credit any overpayment to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also enclosed.

Respectfully submitted,

Feb. 5, 2004
Date

By: 
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Office of Intellectual Property Counsel
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